

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EARL HARRELL SIMS II,

Defendant

KAP SUK SIMS,

Petitioner

No. CR-08-0443 MMC

**ORDER GRANTING PLAINTIFF'S  
ADMINISTRATIVE MOTION;  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

Before the Court is the "Administrative Motion of the United States to (1) Open Discovery in this Ancillary Proceeding and (2) to Extend Time for Filing a Motion of the United States for Summary Judgment," filed December 31, 2009. Petitioner Kap Suk Sims has not filed a response.

Having read and considered the motion, and good cause appearing therefrom, the Court hereby GRANTS the motion, as follows:

1. The parties to the instant ancillary proceeding, specifically, the United States and Kap Suk Sims, are authorized to take discovery pursuant to the Federal Rules of Civil Procedure, as authorized by Rule 32.2(c)(1)(B) of the Federal Rules of Criminal Procedure.

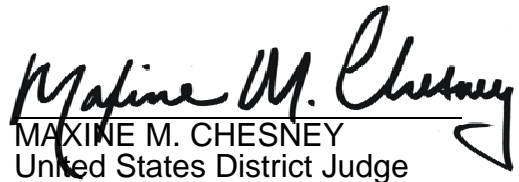
2. The January 4, 2010 deadline for the government to file a motion for summary

1 judgment is hereby VACATED, and will be reset, as necessary, at the upcoming Case  
2 Management Conference.

3 Further, as the government notes in the instant motion, there is currently pending a  
4 civil action, United States v. Approximately \$57,378 in United States Currency, Case No.  
5 08-5023, which action presents the same issue as that presented herein. The Court, by  
6 separate order filed concurrently herewith, has lifted the stay of proceedings imposed  
7 therein and scheduled a Case Management Conference to be conducted March 19, 2010,  
8 at 10:30 a.m. In the interests of judicial economy, the Case Management Conference in  
9 the instant action is hereby CONTINUED from March 17, 2010, at 2:30 p.m., to March 19,  
10 2010, at 10:30 a.m. The parties shall file a Joint Case Management Statement no later  
11 than March 12, 2010.

12 **IT IS SO ORDERED.**

13  
14 Dated: January 12, 2010

  
MAXINE M. CHESNEY  
United States District Judge